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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GELIN, JEAN ALLAND

ART UNIT PAPER NUMBER

2681

DATE MAILED: 08/31/2004

*12*

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/591,331

**Applicant(s)**

BATES ET AL.

**Examiner**

Jean A Gelin

**Art Unit**

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11, 13-24, 27, 28 and 30-33 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8, 11, 13-24, 27, 28 and 30-33 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9, 10.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This is in response to the Applicant's arguments filed May 17, 2004 in which claims 1-8, 11, 13-24, 27, 28, and 30-33 are currently pending.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kraft et al. (EP 0 865 188 A2).

As to claim 11, Kraft discloses a portable phone (fig. 1) comprising: a position detector that detects geographical position of the portable phone (position detector 13); and a dial mechanism (11) coupled to the position detector for selecting stored text that corresponds to a desired telephone contact, such that when a user selects the stored text, the dial mechanism dials a first stored telephone number when the portable phone is in a first defined region (e.g., cordless) and dials a second stored telephone number when the portable phone is in a second defined region (e.g., cellular) (page 2, lines 18-50 and page 5, lines 25-53). Kraft further discloses that the dial mechanism dials a first stored telephone number and communicates the detected geographical position of the portable phone with the call to the first stored telephone number (informing operator of both networks that calls will be diverted to another number based on parameters, page 5, lines 39-53).

As to claim 28, Kraft discloses a method for making a call on a portable phone (Fig. 1), the method comprising the steps of: providing a position detector with the portable phone that detects geographical position of the portable phone (position detector 13); detecting the geographical position of the portable phone using the position detector (i.e., knowing its precise position, page 5, lines 47-53); selecting stored text that corresponds to a desired telephone contact (inherently present when performing the function of automatic connection with the cordless network, page 5, lines 25-53); dialing a first stored telephone number corresponding to the desired telephone contact when the portable phone is in a first defined region; and dialing a second stored telephone number corresponding to the desired telephone contact when the portable phone is in a second defined region (inherently present when performing the function of automatic connection with the cellular network, page 5, lines 25-53). Kraft further discloses the steps of dialing a first stored telephone number and communicating the detected geographical position of the portable phone with the call to the first stored telephone number (informing operator of both networks that calls will be diverted to another number based on parameters, page 5, lines 39-53).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 6, 17-18, 22, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraft in view of Kuwahara et al. (US 6,389,288).

As to claims 1, 2, 17, 18, and 30, Lauper teaches a portable phone comprising: a position detector that detects geographical position of the portable phone (position detector 13); a processor coupled to the position detector that determines the position of the portable phone based on the detected geographical position when a call is received by the portable phone (CPU 10); and a dial mechanism (11) coupled to the position detector for selecting stored text that corresponds to a desired telephone contact, such that when a user selects the stored text, the dial mechanism dials a first stored telephone number when the portable phone is in a first defined region (e.g., cordless) and dials a second stored telephone number when the portable phone is in a second defined region (e.g., cellular) (page 2, lines 18-50 and page 5, lines 25-53). Kraft further discloses that the dial mechanism dials a first stored telephone number and communicates the detected geographical position of the portable phone with the call to the first stored telephone number (informing operator of both networks that calls will be diverted to another number based on parameters, page 5, lines 39-53).

Kraft further teach determining the mode selection based on the position of the phone (page 5, lines 19-29), but Kraft fails to teach a processor coupled to the position detector that determines whether or not to ring the portable phone based on the position of the portable phone when receiving a call.

However, the preceding limitation is known in the art of communications. Kuwahara teaches automatically using the ringing tone depending on the location of the

mobile user (col. 5, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the technique of Kuwahara within the system of Kraft in order for the mobile communication terminal to automatically select a ringing tone or vibrator when receiving a call based on the location of the user communication terminal without user intervention to manually select a desired mode to alert an incoming call.

As to claims 6, 22, the combination system of Kraft and Kuwahara discloses everything as applied to claim 1 above. In addition, Kuwahara discloses that the processor does not ring the portable phone if the portable phone is in a predefined region (see Figure 13 entries for zones C5 and B 10, for example).

Regarding claim 31, Kraft in view of Kawahara teaches all the limitations. Kraft further teaches wherein the position detector comprises a global positioning system (GPS) detector (page 2, lines 13-16).

Regarding claim 32-33, Kraft in view of Kawahara teaches all the limitations. In comparison to the step of not ringing the portable phone, but instead delivering a voice message, and when the assigned telephone number of the defined region is called and the portable phone is outside the defined geographical region, Kawahara further teaches when the mobile user is not in common area to receive ringing tone, col. 1, lines 20-27, lines 63-67, setting of the mobile communication terminal is automatically changed based on the reported location information, col. 2, lines 54-58, which can perform the function of the claimed invention.

6. Claims 3-5, 7-8, 19-21, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination system of Kraft and Kuwahara as applied to claims 1 and 17 above, and further in view of Finke-Anlauff (USPN 5479476).

As to claims 3-4, 7-8, Kraft and Kuwahara fails to explicitly recite that the processor further determines characteristics of a ring signal. Kuwahara also fails to explicitly recite that the processor rings the portable phone with increased volume or a different ring tone if the portable phone is in a predefined region.

In an analogous art, Finke-Anlauff discloses a portable phone comprising a processor (32 in Fig. 2) that determines whether or not to ring the portable phone based on the geographical position of the portable phone when a call is received by the portable phone (see col. 4 lines 5058). Finke-Anlauff also discloses, in Figure 3, that the processor further determines characteristics of a ring signal based on the geographical position of the portable phone when the processor determines to ring the portable phone, wherein the characteristics of the ring signal include volume, type, and tone of the ring signal, and wherein the processor rings the portable phone with increased volume (e.g., see row labeled sound volume) or with a different ring tone (e.g., see row labeled ringing tone) if the portable phone is in a predefined region (see Figure 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination system of Kraft and Kuwahara to include the determination of ring signal characteristics, as taught by Finke-Anlauff, for the purpose of providing the user with a wide range of adjustments that can quickly be changed (see col. 2 lines 1-5).

As to claim 5, the combination system of Kraft, Kuwahara, and Finke-Anlauff disclose everything as applied to claim 4 above. In addition, Kuwahara discloses that the type of the ring signal includes an audible ring and a vibration ring (see Figure 13).

As to claims 19-20, 23-24, Kraft in view of Kuwahara fails to explicitly recite the step of determining characteristics of a ring signal. Kuwahara also fails to explicitly recite that step (C) rings the portable phone with increased volume or a different ring tone if the portable phone is in a predefined region.

In an analogous art, Finke-Anlauff discloses a method comprising the step of determining whether or not to ring a portable phone based on the geographical position of the portable phone when a call is received by the portable phone (see col. 4 lines 50-58). Finke-Anlauff also discloses, in Figure 3, the step of determining characteristics of a ring signal based on the geographical position of the portable phone, wherein the characteristics of the ring signal include volume, type, and tone of the ring signal and wherein the portable phone rings with increased volume (e.g., see row labeled sound volume) or with a different ring tone (e.g., see row labeled ringing tone) if the portable phone is in a predefined region (see Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination system of Kraft and Kuwahara to include the step of determining ring signal characteristics, as taught by Finke-Anlauff, for the purpose of providing the user with a wide range of adjustments that can quickly be changed (see col. 2 lines 1-5).



As to claim 21, the combination system of Kraft, Kuwahara, and Finke-Anlallf disclose everything as applied to claim 20 above. In addition, Kuwahara discloses that the type of the ring signal includes an audible ring and a vibration ring (see Figure 13).

7. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bijanki et al (USPN 6539223) ("Bijanki") in view of Kuwahara.

As to claims 13-14, Bijanki discloses a telephone system comprising: a portable phone (108 in Fig. 2) that includes a position detector that detects geographical position of the portable phone (see col. 2 lines 10-13); wherein the position detector comprises a global positioning system (GPS) detector (see col. 2 lines 12-13); a defined geographical region that is assigned a telephone number (see col. 1 line 60 through col. 2 line 3); and that rings the portable phone when the assigned telephone number of the defined region is called if the portable phone is within the defined geographical region (see col. 5 lines 6-15).

Bijanki does not disclose a processor coupled to the portable phone that determines from the position detector the geographical position of a portable phone.

However, the preceding limitation is known in the art of communications. Kuwahara teaches a control unit (corresponding to a processor) has facilities to set mode for incoming calls based on location of the mobile unit (col. 5, lines 1-16, col. 7, lines 7-40). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the technique of Kuwahara within the system of Kraft in order for the mobile communication terminal to automatically select a ringing tone or vibrator when receiving a call based on the location of the user

communication terminal without user intervention to manually select a desired mode to alert an incoming call.

As to claims 15-16, the system of Bijanki and Kuwahara further discloses delivering a voice message instead of ringing the portable phone (e.g., the subscriber's answering service - see col. 5 lines 20-21, or also the alerting message - see Bijanki col. 5 lines 27-32,), when the assigned telephone number of the defined region is called and the portable phone is outside the defined geographical region (see Bijanki col. 5 lines 15-32).

8. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination system of Kraft in view of Kuwahara et al. as applied to claim 17 above, and further in view of Fitch et al (USPN 6424840).

Kraft in view of Kuwahara fails to explicitly recite the step of routing a call using the communicated geographical position of the portable phone to a second telephone that is the closest of a predefined group of telephones in physical proximity to the portable phone.

In an analogous art, Fitch et al discloses the step of routing a received call using the communicated geographical position of the portable phone to a second telephone that is the closest of a predefined group of telephones in physical proximity to the portable phone (see col. 6 lines 45-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination system of Kraft in view of Kuwahara to include the step of routing a received call to the closest of a predefined group of

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telephones in physical proximity to the portable phone, as taught by Fitch. One of ordinary skill in the art would have been motivated to make this modification because it would help expedite the service desired (such as pizza delivery, car towing, and such - see col. 6 lines 48-50 of Fitch).

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (703) 305-4847. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JEAN GELIN  
PRIMARY EXAMINER**

August 26, 2004  
JGelin

*Jean Alband Gelin*